

**C.M.No.10096 of 2003 &
C.M.No.17899 of 2006 &
C.W.P.No.15704 of 2001**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**Case No. : C.M.No.10096 of 2003 &
C.M.No.17899 of 2006 &
C.W.P.No.15704 of 2001**

Date of Decision : November 21, 2006.

L.D.Mahant Petitioner

Vs.

State of Punjab and another Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.M.L.Sachdeva, Advocate
for the applicant-petitioner.

Mr.G.C.Gupta, DAG, Punjab.

* * *

P.S.Patwalia, J. (Oral) :

Learned counsel for the petitioner has contended that a reading of the order Annexure P-1 would show that punishment of 5% cut in pension has been imposed by Shri Mohinder Singh, Secretary, Public Works Department (B&R), Punjab. Against the said order the petitioner preferred an appeal in terms of the observations made by this Court in C.W.P.No.10939 of 1999 decided on 09.08.1999 which reads as under :-

“C.W.P.No.10939 of 1999

L.D.Mahant Vs. State of Punjab and others

Present

The Hon'ble Chief Justice Mr.Arun B.Saharya

The Hon'ble Mr.Justice V.K.Bali

Dr.M.L.Sachdeva, Advocate for the petitioner

O R D E R

Learned counsel for the petitioner prays for permission to withdraw the writ petition with liberty to file appeal against the impugned order dated 20/27.11.1998, imposing 5% cut on the pension of the petitioner.

Leave and liberty is granted.

The writ petition is dismissed as withdrawn.

09.08.1999

*Sd/- Arun B. Saharya
Chief Justice*

Sd/- V.K.Bali, Judge”

The said appeal was also decided by Shri Mohinder Singh, Secretary to Government of Punjab, Public Works Department (B&R). Learned counsel for the petitioner therefore submits that the order passed in appeal cannot stand and has to be set aside.

Learned counsel for the respondents does not dispute this factual position and states that in case the order passed in appeal is to be set aside then the appeal would now be considered by the Chief Secretary to Government of Punjab. Learned counsel for the petitioner is satisfied with this statement.

Accordingly the order Annexure P-2 passed in appeal is set aside. The appeal would now be considered by the Chief Secretary, Punjab and the appropriate order passed in the same within a period of two months from the date of receipt of certified copy of this judgment.

The writ petition as well as C.M.No.10096 of 2003 and C.M.No.17899 of 2006 stand disposed of in the aforestated terms.

November 21, 2006
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(P.S.Patwalia)
Judge